

REMARKS

By this Amendment, claims 50-119 have been renumbered as claims 49-118 to account for missing claim "49." Renumbered claims 50-57, 59-62, 64-71, 73-77, 79-84, 89, 99, and 101-116 have been amended to correct their dependency and provide proper antecedent basis. Accordingly, claims 1-118 are pending in this application. No new matter has been introduced by this Amendment. It should be noted that in the following remarks, references to claim numbers will correspond to the claim numbers as renumbered.

In the outstanding Office Action, the Examiner made final the restriction requirement. Thus, claims 1-48 and 57-118 have been withdrawn from consideration as being drawn to a non-elected invention. Claims 49-51 and 54-56 have been treated on their merits in the outstanding Office Action; however, claims 52, 53, and 57 were not treated on their merits because claim 53 depended from claim 52, which depended from claim 81, which was not in the elected invention; and claim 57 depended from claim 87, which was not in the elected invention. However, claims 52 and 57 have been amended to depend from claims 51 and 56, respectively. Thus, at least claims 49-57 should be treated on their merits as being part of the elected invention. Furthermore, Applicants continue to traverse the restriction requirement as being improper, and Applicants intend to petition the Director to withdraw the restriction requirement and request an Office Action on the examined claims as well as those which were subject to the improper restriction requirement.

In the outstanding Office Action, claims 49-51, 54, and 55 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,432,185 to Geisinger

("Geisinger"); and claim 56 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Geisinger in view of U.S. Patent No. 6,453,643 to Buscherini et al. ("Buscherini").

Applicants respectfully traverse the rejection of independent claim 49 as being anticipated by Geisinger. Geisinger fails to disclose or suggest all of the elements of independent claim 49. Geisinger discloses a pallet wrapper having a roping mechanism (42) including an arm (44) that engages a web (50) to gather or push together the web (50) into a roped shape (46) and wedge it into a loop (45) of the arm (44). (Column 4, Lines 63-68). Geisinger fails to disclose or suggest rolling a portion of a film web into a cable. Rather, Geisinger's folded web is a conventional rope of film, created by gathering a film web. This conventional rope does not have structural integrity, as explained in the specification at page 6, paragraph 12. Geisinger fails to disclose or suggest rolling a portion of a film web into a cable, as recited in independent claim 49.

If the Examiner is basing the 102 rejection on inherency, such an argument has not been provided. Regardless, an argument based on inherency would also fail to cure the deficiencies in Geisinger. The MPEP recites, "the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic," and, "to establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" (MPEP 2112). Additionally, FIGS. 2, 4, 6, 7, and 8-13

in Geisinger show folding/gathering the web 50 as opposed to rolling a portion of a film web into a cable. For this reason it is clear that rolling the film web would not form an inherent part of Geisinger's disclosure.

Accordingly, for at least the above reasons, Geisinger does not disclose or suggest the invention as set forth in independent claim 49, and therefore cannot anticipate claim 49 or the claims that depend therefrom. Reconsideration is requested.

Applicants also respectfully traverse the rejection of claim 56 as being unpatentable over Geisinger in view of Buscherini. Claim 56 depends indirectly from independent claim 49. As discussed above with regard to independent claim 49, Geisinger does not disclose or suggest rolling a portion of a film web into a cable, as recited in independent claim 49. Buscherini does not remedy this deficiency of Geisinger. For at least this reason, neither Geisinger or Buscherini, either alone or in combination, renders claim 56 obvious. Reconsideration is requested.

Claims 50-57 all depend, directly or indirectly, from independent claim 49, and are therefore allowable for at least the same reasons stated above with regard to the allowability of independent claim 49. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by the cited art, and therefore some are also separately patentable.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, abstract, and drawings in these Remarks, it is to be understood that Applicants are in no way intending to limit the scope of the

claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

The Examiner is invited to contact the undersigned at (202) 408-4488 if the Examiner believes that a discussion would further the prosecution of the application.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

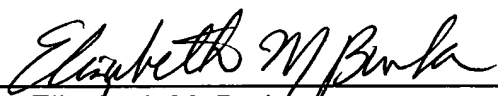
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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